

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF THE TOWN OF ) CAUSE NO. 43410  
BARGERSVILLE, INDIANA FOR )  
APPROVAL TO ISSUE BONDS AND ) DISMISSAL ORDER  
FOR A NEW SCHEDULE OF RATES )  
AND CHARGES ) APPROVED:

AUG 13 2008

BY THE COMMISSION:

Jeffrey L. Golc, Commissioner

Lorraine Hitz-Bradley, Administrative Law Judge

On December 21, 2007, the Town of Bargersville, Indiana ("Petitioner") filed its petition with the Indiana Utility Regulatory Commission ("Commission") in this matter.

Pursuant to notice and as provided for in 170 I.A.C. 1-1.1-15, a Prehearing Conference in this Cause was noticed to occur in the Indiana Utility Regulatory Commission Conference Center, Suite 220, Judicial Courtroom 224 at the National City Center, 101 West Washington Street, Indianapolis, Indiana at 9:30 a.m. EST on February 4, 2008. Proofs of publication of the notice of the Prehearing Conference have been incorporated into the record and placed in the official files of the Commission. On the date noticed for the prehearing conference, no court reporters were available to make a record of the proceedings. The Petitioner and the Office of Utility Consumer Counselor ("Public" or "OUCC") appeared. No members of the general public appeared. At that time, the parties had an informal discussion regarding procedural and scheduling matters in this Cause. The Presiding Officers then *sua sponte* continued the matter by docket entry until February 5, 2008. The agreement of the parties was then read into the record.

On March 20, 2008, Petitioner, the Town of Bargersville, Indiana ("Petitioner") filed its *Motion to Stay Proceedings and Vacate Evidentiary Hearing and Pre-Hearing Schedule*. Petitioner stated that the membership of the town council has changed since the *Petition* in this Cause was filed, and that the council wishes to study and re-evaluate the proposed project at issue in this Cause. Petitioner therefore requested a stay of the proceedings and that the procedural schedule and evidentiary hearing be vacated. Counsel for Petitioner contacted the Office of Utility Consumer Counselor ("OUCC") and the OUCC has no objection to the proposed stay. The Presiding Officers granted the Petitioner's request and advised Petitioner to file a status report on or before June 30, 2008 regarding the intent of Petitioner to proceed in this matter.

On June 26, 2008, Petitioner filed its *Motion for Extension of Time*, in which it requested an additional thirty (30) days in which to file its status report, "[i]n order to have additional time to complete its study and re-evaluation of the proper scope of the proposed project." Petitioner stated that it had contacted the OUCC, who had no objection to the requested extension of time. The Presiding Officers granted the requested extension and ordered Petitioner to file a status report on or

before July 30, 2008 regarding the intent of Petitioner to proceed in this matter.

On July 29, 2008, Petitioner filed its *Motion to Withdraw Petition Without Prejudice* ("Motion"), advising that the Town of Bargersville had decided to withdraw its Petition without prejudice, and that the OUCC had no objection to the requested withdrawal.

Having reviewed Petitioner's Motion and the pleadings of record, Petitioner's request to withdraw this Cause without prejudice is granted.

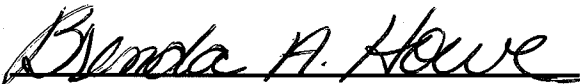
**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. This Cause is hereby dismissed without prejudice to refiling.
2. This Order shall be effective on and after the date of its approval.

**HARDY, LANDIS AND ZIEGNER CONCUR; GOLC AND SERVER ABSENT:**  
**APPROVED:**

**AUG 13 2008**

**I hereby certify that the above is a true  
and correct copy of the Order as approved.**



**Brenda A. Howe**  
**Secretary to the Commission**